

1 RESOLUTION NO. 2006-06-05

2  
3 A RESOLUTION relating to land use; providing a framework for removal of the urban  
4 holding overlay zone in certain areas of the Vancouver Urban Growth Area; contingently removing  
5 the urban holding overlay district applicable to sub-areas G through I and K through M conditioned  
6 upon execution of development agreements addressing transportation and school capital facilities  
7 issues.  
8

9 WHEREAS, Clark County adopted a 20-Year Comprehensive Growth Management Plan  
10 through ordinances 1994-12-47 and 1994-12-53 on December 20, 1994 to meet the goals and  
11 requirements of Chapter 36.70A RCW (also known as the Growth Management Act "GMA"); and  
12 amended through Ordinance 1998-07-19; and  
13

14 WHEREAS, Clark County adopted an updated 20-Year Comprehensive Growth  
15 Management Plan through ordinance 2004-09-02 on September 7, 2004 to meet the goals and  
16 requirements of Chapter 36.70A RCW; and  
17

18 WHEREAS, in the adopted Comprehensive Plan (Ordinance 2004-09-02) the urban  
19 holding overlay zone was applied to all lands brought into all unincorporated Urban Growth Areas.  
20 For those areas expected to annex into a city, urban holding is removed when the city can  
21 demonstrate that full urban services will be provided before or in tandem with development upon  
22 annexation, and  
23

24 WHEREAS, for those areas in the northern section of the Vancouver Urban Growth  
25 Boundary, where annexation is not feasible in the foreseeable future, urban holding removal  
26 requires a more precise level of analysis than the general application; and  
27

28 WHEREAS, a type IV legislative process initiated by the county will be used consistent with  
29 Comprehensive Plan criteria; and  
30

31 WHEREAS, the plan policies were created to insure that a phasing plan was put in place  
32 and was kept in place until adequate facilities are available; and  
33

34 WHEREAS, the Clark County Comprehensive Plan, Chapter 12 Procedural Guidelines  
35 states:

36 *"The county applies the Urban Holding Plan and Zoning Overlay with an underlying urban*  
37 *zone when development policies require a legislative action or annexation prior to development. In*  
38 *these cases, identified criteria are established that must be met in order to remove Urban Holding*  
39 *Zoning Overlay and authorize an urban zone which is consistent with the Comprehensive Plan.*  
40 *Under certain circumstances a Master Plan which includes how and when an area develops and*  
41 *with what uses, may be required. In other cases, city plan policies may require annexation prior to*  
42 *development. Generally, urban services and facilities will also be needed or assured prior to*  
43 *rezoning."* (p. 12-5); and  
44

45 WHEREAS, any action to lift urban holding without annexation must be supported by  
46 findings that the land areas in question fulfill the requirements in the comprehensive plan text,  
47 which reads as follows:  
48

49 *"These areas may develop for more intensive uses through a change in zoning enacted by*  
50 *the county with the completion of a traffic circulation plan, if it can be demonstrated that the*  
51 *following conditions are met:*  
52

- 1           1.     *full urban services can be provided by the applicable city and other special districts*  
2                 *(including schools, fire protection, police protection as well as water, sewer, roads*  
3                 *and drainage) in conjunction with development and provision for future annexation*  
4                 *is executed if immediate annexation is not geographically feasible;*  
5
- 6           2.     *removal of urban holding shall be by sub-area appropriate for consideration of*  
7                 *affected capital facilities, and not by individual site specific properties, through a*  
8                 *Type IV process initiated by the county; and*  
9
- 10          3.     *open space corridors will be identified and maintained between urban areas.” (pp.*  
11                 *12-7 and 12-8); and*  
12

13           WHEREAS, the Clark County Board of Commissioners directed county staff in March of  
14           2005 to initiate a process for lifting of the urban holding overlay zone in all of the areas added to  
15           the northern portion of the Vancouver Urban Growth Area; and  
16

17           WHEREAS, for purposes of requiring that some form of a phasing plan be implemented to  
18           assure that the long term capital facilities can be provided where needed in the short term when  
19           development does occur, the urban holding overlay district was applied to sub-areas A through M;  
20           which mapping is attached hereto as Exhibit “1”  
21

22           WHEREAS, because of transportation concurrency constraints relating to the 179<sup>th</sup> Street  
23           interchange with I-5, lifting of urban holding within sub-areas B through F are not presently been  
24           considered; and  
25

26           WHEREAS, by Resolution 2006-05-26A, the Board of County Commissioners previously  
27           approved lifting the urban holding overlay district within sub-area A and by Resolution 2006-05-  
28           26B, the Board of County Commissioners previously contingently removed the urban holding  
29           overlay district applicable to sub-area J conditioned upon execution of development agreements  
30           addressing transportation capital facilities issues; and  
31

32           WHEREAS, the Clark County Planning Commission considered the lifting of urban holding  
33           and received testimony at a duly advertised public hearing on October 20, 2005; and has  
34           forwarded its recommendations to the Board; and  
35

36           WHEREAS, the Board of County Commissioners took public testimony from interested  
37           parties, considered all written and oral arguments at a duly advertised public hearing on April 25,  
38           2006; and  
39

40           WHEREAS, the Board of County Commissioners also considered the staff report and the  
41           findings and recommendation of the Clark County Planning Commission; and  
42

43           WHEREAS, the Board of County Commissioners finds that except for transportation and  
44           schools, urban services such as fire protection, water, sewer and drainage can be provided in  
45           conjunction with development in accordance with existing code requirements; and  
46

47           WHEREAS, the Board of County Commissioners finds that the development community  
48           has from time to time supported voter-approved school funding through financial contributions and  
49           endorsements and expects it to continue to do so again in the future; and  
50

51           WHEREAS, the Board of County Commissioners finds that payment of enhanced school  
52           impact fees is necessary to help fund school facilities needed to serve residential development  
53           within sub-areas G through I and K through M; and

1  
2 WHEREAS, the Board also finds that issues related to transportation and school facilities  
3 can be addressed through developers agreements and that implementation of the 20-Year  
4 Comprehensive Growth Management Plan is within the requirements of the Growth Management  
5 Act and is in the best public interest; now, therefore,  
6

7 BE IT ORDERED AND RESOLVED BY THE BOARD OF COUNTY  
8 COMMISSIONERS OF CLARK COUNTY, STATE OF WASHINGTON, as follows:  
9

10 **Section 1. Findings.**  
11

12 The findings and analysis contained in the Staff Memorandum dated October 20, 2005 relating to  
13 Urban Holding Policy Review and Considerations are hereby adopted and incorporated herein by  
14 reference except where inconsistent with the following.  
15

16 **Section 2. Water, sewer, drainage, frontage street improvements, fire protection and law**  
17 **enforcement.**  
18

- 19 1. Sewer, water, and frontage street improvements are available and required to be provided  
20 by the developer as part of the development process.  
21  
22 2. Fire and law enforcement are regional facilities that must keep pace with the development  
23 of an area as a whole. Only in very unusual circumstances does the development of an  
24 individual parcel create impact sufficient to alter service levels.  
25

26 **Section 3. Transportation Facilities.**  
27

28 For sub-area A, the existing, improved transportation network serves as a de facto circulation plan.  
29 For sub-areas G through M, traffic circulation plans have been adopted. In cases where annexation  
30 is not possible, any action to lift urban holding requires that the facilities needed for direct  
31 development of an individual site are in place. In this case, public roads become the primary public  
32 consideration. The central focus is assuring the readiness of the facilities that are a county  
33 responsibility, and over which the county has control. This assurance raises the issue of whether  
34 phasing development is necessary to insure that capital facilities are timely provided. Two sub  
35 issues emerge: (a) contribution to needed regional projects through enhanced traffic impact fees,  
36 and (b) insuring that local improvements which are needed short term will be provided. Both  
37 concerns can be addressed through development agreements which (a) commit developers to  
38 payment of "enhanced fees" for Orchards Traffic Impact Fees when adopted (with enhanced fees  
39 being guaranteed if not adopted at time of development subject to a reasonable cap) and (b)  
40 committing developers to undertaking local improvements which are needed short term (with  
41 determination made as to which are of regional significance so as to be eligible for placement on  
42 the TIF project list eligible for TIF credits, and potential concurrency guarantee as to local  
43 improvements). Engineering analysis is underway to identify potential TIF enhancement charges  
44 and to determine immediately needed local improvements, the developments necessitating such  
45 improvements, and the costs thereof.

1  
2 **Section 4. School District Facilities.**  
3

4 The following mitigation measures shall be used to address the impacts of residential development  
5 on public schools in the Battle Ground School District:  
6

- 7 1. Acquisition by the Battle Ground School District of a suitable school site (20 acres of  
8 buildable land in an area that can serve students from residential property in the overlay  
9 areas), and if appropriate, that can be incorporated into residential development plans in  
10 the overlay areas; and  
11  
12 2. A commitment by developers to pay "enhanced school impact fees" in the amount that has  
13 been adopted by the Board at the time building permits are pulled, notwithstanding the right  
14 to vest school impact fees when the preliminary plat is approved.  
15

16 **Section 5. Development Agreements.**  
17

18 Developers have indicated that development agreements addressing the above issues on  
19 transportation and school facilities are conceptually acceptable contingent upon final terms.  
20 Developers have identified common objectives with the County to address the transportation and  
21 school facilities issues that may be resolved with fully negotiated and executed development  
22 agreements. No obligations under this section are binding until such time that the agreements  
23 have been fully executed.  
24

25 **Section 6. Board Action.**  
26

27 The Board will adopt a resolution formally approving partial lifting of urban holding in sub-areas G  
28 through I and K through M upon approval of development agreements addressing the issues  
29 regarding transportation and schools as outlined above. For properties whose underlying zoning is  
30 residential, a development agreement shall address both transportation and school capital facilities.  
31 For properties whose underlying zoning is non-residential, a development agreement shall address  
32 transportation capital facilities.

- 33 1. While analysis of lifting urban holding has been done on an area-wide basis, pending  
34 adoption of an update to the TIF/SIF programs lifting will only be effective for those  
35 properties whose owners execute development agreements. Following adoption by the  
36 Board of enhanced TIF/SIF fees, it is the intent of the Board to lift urban holding on any  
37 remaining properties within sub-areas G through M.  
38  
39 2. During the interim, developers within sub-areas G through M may file pre-applications to be  
40 processed assuming lifting of urban holding, but no vesting or approvals will be granted  
41 until urban holding is lifted.  
42

43 **Section 7. Severability.**  
44

45 If any section, sentence, clause, or phrase of this resolution should be held invalid or  
46 unconstitutional by a court of competent jurisdiction or the Growth Management Hearings  
47 Board, such invalidity or unconstitutionality shall not affect the validity or unconstitutionality of  
48 any other section, sentence, clause, or phrase of this resolution.  
49

50 **Section 8 Effective Date.** This resolution shall go into effect at midnight on the date of its  
51 adoption.  
52  
53

**Section 9. Instructions to Clerk.** The Clerk to the Board shall:

1. Schedule public hearings on development agreements pursuant to RCW 36.70B.200 once negotiated.
2. Transmit a copy of this resolution to the Washington State Department of Community Trade and Economic Development within ten days of its adoption pursuant to RCW 36.70A.106.
3. Transmit a copy of the adopted resolution to Clark County Geographic Information Systems, to Community Development Department - Long Range Planning, and to Community Development Department - Development Services.
4. Record a copy of this resolution with the Clark County Auditor.
5. Cause notice of adoption of this resolution to be published forthwith pursuant to RCW 37.70A.290.

ADOPTED this \_\_\_\_ day of June 2006.

Attest:

BOARD OF COUNTY COMMISSIONERS  
FOR CLARK COUNTY, WASHINGTON

\_\_\_\_\_  
Clerk to the Board

By:\_\_\_\_\_  
Marc Boldt, Chair,

Approved as to Form Only:

\_\_\_\_\_  
ARTHUR D. CURTIS  
Prosecuting Attorney

By:\_\_\_\_\_  
Betty Sue Morris, Commissioner

By:\_\_\_\_\_  
Richard S. Lowry  
Deputy Prosecuting Attorney

By:\_\_\_\_\_  
Steve Stuart, Commissioner